



May 25, 2000

Ms. Tenley A. Aldredge
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR2000-2087

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135776.

The Travis County Sheriff's Office (the "TCSO") received a request for documentation regarding an arrest on March 4, 2000. You claim that the requested information is excepted from disclosure under sections 552.103, 552.108 and 552.130 of the Government Code. You state that TCSO has closed the investigation of incident number 00-04740, the documentation of which is responsive to the request. However, you further state that the case has been referred to the Justice of the Peace Court #3 for criminal prosecution.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You argue that, because incident number 00-04740 pertains to a pending prosecution, TCSO is not required to release any information to the requestor at this time because it would interfere with the pending prosecution. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per

curiam, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). After reviewing the information in incident number 00-04740, we conclude that you have met your burden of establishing that the release of this information at this time could interfere with the prosecution of crime. Therefore, you may withhold from disclosure the information pertaining to incident number 000-04740 under section 552.108(a)(1).

However, section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The kinds of basic information not excepted from disclosure by section 552.108 are those that were deemed public in *Houston Chronicle* and catalogued in Open Records Decision No. 127 (1976). Basic information is the type of information that is considered to be front page offense report information even if this information is not actually located on the front page of the offense report.

Finally, you claim that access to Texas driver's license number, identification number and vehicle identification number information is governed by section 552.130 of the Government Code. Section 552.130 provides in relevant part that:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or
- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

Therefore, we conclude that you must withhold Texas driver's license number, identification number, and vehicle identification number information pursuant to section 552.130 contained in the information pertaining to incident number 000-04740.

Because we are able to make a determination under section 552.108, we need not address your other claimed exception. This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited

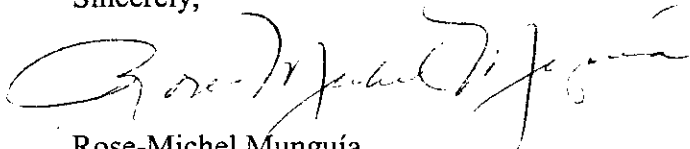
from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/pr

Ref: ID# 135776

Encl. Submitted documents

Mr. Colin Quinn
3309 Treadsoft Cove
Austin, Texas 78748
(w/o enclosures)